

UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

2019 OCT 11 AM 11:37
MARGARET BOTKINS, CLERK
CHEYENNE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN TATE ALLEN,

Defendant.

CRIMINAL COMPLAINT

Case Number: 19MJ86-J

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about October 7, 2019, in the District of Wyoming, the Defendant, RYAN TATE ALLEN, knowingly possessed a firearm as defined by 26 U.S.C. § 5845(a), that is, an Anderson Manufacturing, Model AM-15, .223 caliber AR-type short-barreled rifle, serial number 15037013, with a barrel length of less than 16 inches, which was not registered to him in the National Firearms Registration and Transfer Record.

In violation of 26 U.S.C. §§ 5841, 5845(a) and (c), 5861(d), and 5871.

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and that this complaint is based on the following facts:

(See attached Sworn Statement)

Continued on the attached sheet and made a part hereof.



Signature of Complainant
JAY JOHNSON

Sworn to before me by telephone bearing a previous signature,

October 11, 2019

Date

at

Cheyenne, Wyoming

City and State

HON. KELLY H. RANKIN

Chief Magistrate Judge

United States District Court

Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
SPECIAL AGENT JAY JOHNSON
U.S. v. RYAN TATE ALLEN

1. Your Affiant, Jay S. Johnson, is a federal law enforcement officer and a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice. Your Affiant is currently assigned to the District of Wyoming and has been employed by ATF since March 12, 2000. Prior to that, your Affiant was employed as a Special Agent by the United States Air Force Office of Special Investigations, for eight years.

2. This affidavit is based upon information your Affiant has gained through training and experience, as well as upon information related to your Affiant by other individuals, including law enforcement officers. The information contained in this affidavit is submitted for the limited purpose of establishing probable cause for the requested criminal complaint and arrest warrant and does not contain all of the information known to the Affiant about this case.

3. On October 8, 2019, Sheriff's Deputy Richard Fernandez with the Washakie County Sheriff's Office in Worland, Wyoming contacted your Affiant about a house fire at Ryan Tate Allen's residence, located at 2569 U.S. Highway 20 S., Worland, Wyoming. The fire occurred on October 7, 2019 and Washakie County Sheriff's Office, Worland Fire Department, Hot Springs County Fire Department, and Wyoming Highway Patrol personnel responded. Deputy Fernandez noted smoke and flames coming from the house when he arrived. While Fire Department personnel were fighting the fire, Deputy Fernandez spoke to Sharena Fruciano, who said she was one of Ryan Allen's friends. When she saw the fire she wanted to make sure no one was in the house. Sharena Fruciano related Ryan Allen recently told her the house was about to go into foreclosure. Highway Patrol Troopers were trying to remove propane bottles from around the house for safety. There was a locked shed near the house; a trooper and a fireman forced the

door open to see if there was anything inside that could be dangerous to personnel on scene. The shed appeared to be full of animal mounts and firearm safes.

4. Deputy Fernandez returned to the Washakie County Sheriff's Office in Worland. Ryan Allen contacted Deputy Fernandez and reported he had been out of town working when the fire occurred.

5. Worland Fire Chief Chris Kocher and State Fire Marshal Dave Harley, suspecting arson, contacted Deputy Fernandez and requested assistance obtaining a search warrant for the structures and vehicles on Ryan Allen's property. Further, Wyoming Game and Fish Department Game Warden Benge Brown applied for and received a search warrant as well for suspected wildlife violations. Both warrants were obtained from Washakie County Circuit Court Judge Ed Luhm.

6. Sheriff's Office, Highway Patrol, Game and Fish Department, the Fire Marshal Investigator and Worland Fire Department personnel served the warrants.

7. Deputy Fernandez and Deputy Rob Harding searched a vehicle behind the house with Wyoming license plate number 15-1712. Deputies found several firearms, one of which was a Delton AR style rifle with a 100 round magazine and a selector that appeared to be fully automatic. Deputies also noted several alcoholic beverage containers in the vehicle, which Ryan Allen was prohibited from possessing because he was on bond awaiting trial.

8. Ryan Allen contacted the Fire Chief, learned Game and Fish was at his residence, became upset and said he was on his way from Greybull to speak with them. Ryan Allen arrived on scene and got out of his vehicle, license plate number 20-1292, with a six-pack of Mike's Hard Lemonade. Ryan Allen immediately opened a bottle and drank some. Ryan Allen demanded to

know why Game and Fish was searching his residence. Ryan Allen was arrested for violating his bond conditions by consuming alcohol.

9. Ryan Allen's vehicle was searched since it was on the property and an AR-type rifle with a suppressor was found. Further, there was a box under the seat that contained suspected methamphetamine, cocaine and LSD.

10. Ultimately, over 100 firearms and ammunition were taken as evidence from the property.

11. On October 8, 2019, your Affiant responded to the Washakie County Sheriff's Office and took eleven firearms as evidence. These included seven firearms that function-tested as fully automatic, three of which were also short-barreled rifles. Also among these eleven firearms was the short-barreled rifle identified in the proposed complaint: an Anderson Manufacturing, Model AM-15, .223 caliber AR type short-barreled rifle, serial number 15037013, with a barrel length of approximately 12.75 inches. The minimum legal length is 16 inches. This short-barreled rifle would need to be registered in ATF's National Firearms Registration and Transfer Record to be legally possessed.

12. On October 11, 2019, your Affiant spoke with Deputy Fernandez. According to Deputy Fernandez, the short-barreled rifle alleged in the proposed complaint was found in a locked gun safe inside the shed on Allen's property. Deputy Fernandez also explained how the safe was opened. After Allen's arrest for violation his bond conditions, discussed above, keys from his person were placed in his property. Subsequently, with a warrant, the keys were seized, and one of the keys opened the safe, wherein the short-barreled rifle was found. Deputy Fernandez also said Allen's girlfriend had been living at the house, but she was in jail at the time of the fire.

13. On October 10, 2019, your Affiant requested ATF's Joint Special Operations Center conduct an NFA check for Ryan T. Allen with his date of birth and social security number provided. The NFA check was negative for any firearms registered to Ryan T. Allen and social security number provided. Therefore, the short-barreled rifle seized from Ryan Allen's property would be illegal for him to possess.

14. Based on the foregoing, your Affiant believes Ryan Tate Allen has committed a violation of Title 26 United States Code, Sections 5861(d) namely, possession of a firearm, which is not registered to him in the National Firearms Registration and Transfer Record, as such requests that a criminal complaint and arrest warrant be issued against Ryan Tate Allen.

END OF AFFIDAVIT

PENALTY SUMMARY

DEFENDANT NAME: RYAN TATE ALLEN

DATE: October 11, 2019

INTERPRETER NEEDED: No

VICTIM(S): No

OFFENSE/PENALTIES: 26 U.S.C. §§ 5841, 5845(a) and (c), 5861(d), and 5871
(Possession of Firearm Not Registered in the National
Firearms Registration and Transfer Record)

0 to 10 Years Imprisonment
Up to \$250,000 Fine
Up to 3 Years Supervised Release
\$100 Special Assessment

AGENT: Jay Johnson, ATF

AUSA: Stuart S. Healy III, Assistant United States Attorney

ESTIMATED TIME OF TRIAL: 1 to 5 days

WILL THE GOVERNMENT SEEK DETENTION IN THIS CASE: Yes

ARE THERE DETAINERS FROM OTHER JURISDICTIONS: To be determined